

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Riker, Ronald D.  
For : MAILBOX POST BRACKET  
U.S. Serial No.: 10/735,360  
Filed: December 12, 2003  
Group Art Unit: 3632  
Conf. No.: 1807  
Examiner: Amy Jo STERLING

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT G**  
**AFTER FINAL REJECTION UNDER 37 C.F.R. §1.116**

Dear Sir:

In response to the Final Office Action dated August 2, 2006, please enter the following amendments and consider the following remarks:

**Amendments to the Claims** and the listing of claims begin on page 2 of this paper.

**Remarks** begin on page 6 of this paper.

**IN THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**1.** (Currently Amended) A bracket for securing a mailbox to an upstanding post, the bracket comprising:

a laminar plate dimensioned to be generally coextensive with a lower surface of ~~the~~ a mailbox;

means for securing the mailbox to the plate;

a one-piece, generally cylindrical sleeve secured ~~directly to~~ in immediate physical contact with a central portion of the plate and extending downwardly therefrom, the sleeve adapted to receive a generally cylindrical post; and

means for securing ~~the~~ a post within the sleeve.

**2.** (Original) The bracket according to claim 1 wherein the laminar plate is rectangular and has a pair of long edges.

**3.** (Currently Amended) The bracket according to claim 2, wherein the means for securing ~~the~~ a mailbox to the plate further comprises:

a flange on each of the long edges of the plate extending generally perpendicular to the plate; and

at least one fastener to secure the flange to a corresponding flange on ~~the~~ a mailbox.

4. (Original) The bracket according to claim 3 wherein the fastener is a nut and a bolt.

5. (Currently Amended) The bracket according to claim 1 wherein the means for securing ~~the~~ a post within the sleeve further comprises:

an aperture formed through the sleeve and ~~the~~ a post; and  
a bolt extending through the aperture, thereby securing the sleeve against movement relative to ~~the~~ a post.

6. (Original) The bracket according to claim 1 wherein the plate is provided with a plurality of lightening holes.

7. (Currently Amended) A bracket for securing a mailbox to an upstanding post, the bracket comprising:

a rectangular plate having an upper surface and a lower surface and a pair of long edges, the upper surface of the plate being dimensioned to be generally coextensive with and adapted to support a lower surface of ~~the~~ a mailbox;

at least one flange on a long edge of the plate, the flange extending generally perpendicular to and downwardly from the lower surface of the plate;

at least one fastener for securing the flange to ~~the~~ a mailbox;

a generally continuous and generally cylindrical sleeve secured ~~directly~~ in immediate physical contact to a central portion of the lower surface of the plate and extending downwardly therefrom, the sleeve adapted to receive a generally cylindrical post; and

a sleeve fastener for securing ~~the~~ a post within the sleeve.

**8. (Currently Amended)** The bracket according to claim 7 wherein the sleeve fastener further comprises:

an aperture formed through the sleeve and ~~the~~ a post; and

a bolt extending through the aperture, thereby securing the sleeve against movement relative to ~~the~~ a post.

**9. (Original)** The bracket according to claim 7 wherein the fastener is a nut and a bolt.

**10. (Original)** The bracket according to claim 7 wherein the plate is provided with a plurality of lightening holes.

**11. (Original)** The bracket according to claim 7 wherein the flange extends from each long edge of the rectangular plate.

**12. (Currently Amended)** A bracket for securing a mailbox to an upstanding post, the bracket comprising:

a rectangular plate having an upper surface and a lower surface and a pair of long edges and a pair of short edges, the upper surface of the plate being dimensioned to be generally coextensive with and adapted to support a lower surface of ~~the~~ a mailbox;

a plurality of lightening holes formed in the plate

at flange extending along each long edge of the plate generally perpendicular to and downwardly from the lower surface of the plate;

at least one fastener for securing the flanges to corresponding flanges on the mailbox;

a generally cylindrical, generally continuous, and one-piece sleeve ~~directly to~~ in immediate physical contact with a central portion of the lower surface of the plate and extending downwardly therefrom, the sleeve adapted to receive a generally cylindrical post; and

a sleeve fastener for securing ~~the~~ a post within the sleeve.

**13.** (Currently Amended) The bracket according to claim 12 wherein the sleeve fastener further comprises:

an aperture formed through the sleeve and ~~the~~ a post; and

a bolt extending through the aperture, thereby securing the sleeve against movement relative to ~~the~~ a post.

**14.** (Original) The bracket according to claim 12 wherein the fastener is a nut and a bolt.

**REMARKS**

Claims 1 through 14 are pending in the application. Claims 1, 3, 5, 7, 12 and 13 are hereby amended in response to the claim defects noted in the Final Action. All pending claims stand rejected either under 35 U.S.C. § 102 as anticipated by *Batson* or under 35 U.S.C. § 103 as obvious over *Batson* in view of *Virblas*. In view of the amendments to the claims and the arguments made previously, Applicant hereby traverses the rejections.

***Claim Objections***

Despite the oddity resulting from use of the indefinite article with every occurrence of “post” and “mailbox,” the amendment is made and the objection is submitted to be overcome. Similarly, “generally” is now paired with “continuous” as well as “cylindrical.”

***Rejection Under 35 U.S.C. § 102 and 103***

Applicant will not repeat its earlier remarks with respect to the shortcomings of *Batson* and *Virblas*. Those cogent arguments were dismissed because Examiner contends that the word “directly” does not limit the claims as Applicant intends. Accordingly, Applicant has amended the independent claims to state “in immediate physical contact with” instead of directly. This is taken *directly* from the definition of “directly” found at <http://www.webster.com/cgi-bin/dictionary?sourceid=Mozilla-search&va=directly>, as well as in many other dictionaries. “Immediate physical contact” is chosen over “without

intervening structure,” an alternate, but equally applicable definition, so as to avoid a “negative limitation.” *See, e.g.* <http://dictionary.reference.com/search?q=directly> ;

In view of the amendments, it is submitted to be indisputable that Applicant’s claimed invention is patentably distinct from *Batson* alone or in view of *Virblas*.

Because the amendments made herein are either formal or insubstantial amendments to the wording of claims intended to clarify their meaning Applicant submits that they are appropriate for entry after final rejection. Further because this is the second Request for Continued Examination and second Examiner in this application, resulting in no fewer than **six** searches of the claimed subject matter with no more than 3-to-4-word amendments in response to rejections (as opposed to wholesale re-drafting), the Application requires no further searching and is in condition for allowance.

Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal.

Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, allowance of all pending claims so that the application may be passed to issue.

If the Examiner has any questions or desires clarification of any sort, or deems that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Applicant believes no fee is due for the filing of this amendment and response. If this is incorrect, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 50-2180.

Respectfully submitted,

/mdp/

Mark D. Perdue  
Reg. No. 36,890  
Storm LLP  
Bank of America Plaza  
901 Main Street, Suite 7100  
Dallas, TX 75202  
Telephone: (214) 347-4708  
Fax: (214) 347-4799  
ATTORNEY FOR APPLICANT